

Case 1:07-cv-05463-JSR Document 3 Filed 06/25/2007 Page 1 of 1

UNITED STATES DISTRICT COURT

SOUTHERN DIST. COURT OF THE STATE OF NEW YORK

COUNTY OF

IRON WORKERS LOCAL UNION NO. 580 ET AL

Petitioner(s)
Plaintiff(s)

— against —

Defendant(s)
Respondent(s)

Attorney: COLLIERAN

Return Date:

Case No. 07 CV 5463

Date Filed:

AFFIDAVIT OF SERVICE

D.F.S. BROTHERS IRON WORKS

STATE OF NEW YORK: COUNTY OF NASSAU

SS:

THE UNDERSIGNED DEPONENT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY OF THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on JUNE 15, 2007 at 1:19 P.M. at 58-15 58th PLACE, MASPETH, NY

deponent served the within SUMMONS IN A CIVIL ACTION, PETITION AND JUDGE'S upon
MAGISTRATES RULES

witness/defendant/respondent (hereinafter called the recipient) therein named.

D.F.S. BROTHERS IRON WORKS

INDIVIDUAL

A ☐

By Personally delivering to and leaving with said individual, and that he knew the person so served and described as recipient therein.

CORPORATION

B ☒By delivering to and leaving with SAL LOFASO and that he knew the person so served and authorized to accept service to be ☒ an officer ☐ director ☐ managing or general agent ☐ cashier ☐ assistant cashier
☐ Agent authorized by appointment or by law to receive service.☐

Other pursuant to CPLR Section 311:

SUITABLE

AGE PERSON

C ☐By delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

AFFIXING TO

DOOR, ETC.

D ☐By affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

Deponent talked to

at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO

RESIDENCE

USE WITH CorD

E ☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

MAILING TO

BUSINESS

USE WITH CorD

F ☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

☐

RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

DESCRIPTION

G ☒

Deponent further states that he describes the person actually served as follows:

SEX	SKIN COLOR	HAIR COLOR	AGE (Approx.)	HEIGHT (Approx.)	WEIGHT (Approx.)
MALE	WHITE	BLACK	35 yrs	5'10"	180 LBS

Other identifying Features:

WITNESS

FEES

H ☐\$ the authorizing traveling expenses and one day's witness fee: ☐ was paid (tendered) to the recipient ☐ was mailed to the witness with subpoena copy.

MILITARY

SERVICE

I ☐

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes.

Sworn to before me the

19th day of

June

20

07

JOHN F. BARRY
NOTARY PUBLIC, State of New York
No. 01BA4724574
Qualified in Nassau County
Commission Expires Aug. 31, 2008

PLEASE PRINT NAME BELOW SIGNATURE

JEFFREY CONOCCHIOLI

License No.

864 983